

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

This interview summary is submitted in accordance with the requirements of MPEP 713.04.

The Applicants wish to thank the examiner for the courtesy shown to their representative during a personal interview on February 1, 2011. The participants were Examiner A. Balaoing, and the undersigned. The issues and claims discussed were the same as those addressed in the Amendment filed January 13, 2011. In addition, dependent claims 40, 41, 45, 52 and 53 were briefly discussed. The Applicants' representative reiterated the comments made in the Amendment filed January 13, 2011 and in the Amendment filed October 27, 2009 relating to Ranta-Aho et al. and Tiedemann et al.

The Applicants' representative stressed during the interview that Tiedemann et al.'s teaching of communication of load information among base stations would not suggest sharing among base stations information relating to a particular UE's maximum allowed rate of uplink, and that the combination of Ranta-Aho et al. and Tiedemann et al. asserted in the office action is based on improper hindsight.

The Examiner appears to express the view in the last office action that the UE in Ranta-Aho provides the rate information to other Node B's. It is noted that, if this is correct, there would be no need to modify Ranta-Aho such that the scheduling Node B redundantly provides the rate information to other Node B's. Further, Tiedemann does not disclose that a base station sends scheduled uplink resource information to another base station, but merely coupled load

information. If Tiedemann et al. were considered as providing a general teaching of base stations sharing any type of information to assist one another in scheduling mobile stations, this would clearly be too general an application of Tiedemann's teachings. The Applicants' representative stressed during the interview that Tiedemann et al.'s teaching of communication of load information among base stations would not suggest sharing among base stations information relating to a particular UE's maximum allowed rate of uplink, and the combination of Ranta-Aho et al. and Tiedemann et al. asserted in the office action is based on improper hindsight.

No agreement was reached regarding the prior art rejections.

Also, the 35 USC 112, first paragraph, rejection was discussed.

The above claim amendments to delete reference to HARQ processes while keeping reference to the E-DCH is made to overcome the 35 USC 112, first paragraph, rejections. The summary of the invention section and the detailed description of the invention section refer to the E-DCH, and the original claims also refer to the transmitted uplink data being carried by the E-DCH. The Examiner seemed to indicate that these amendments would overcome the 35 USC 112, second paragraph, rejection.

The proposed specification amendments in the previous response are withdrawn.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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